

UNITED STATES DISTRICT COURT
~~Western~~ DISTRICT OF OKLAHOMA

FILED

NOV 09 2020

CARMELITA REEDER SHINN, CLERK
 U.S. DIST. COURT, WESTERN DIST. OKLA.
 BY 675 DEPUTY

Jonathan Anibal Claudio
 Plaintiff

vs. Tulsa Police Dept.

Case Number: CIV-20-1135-D

(To be supplied by Court Clerk)

Tulsa County Sheriff's Dept. Commissioner
Officer Snyder

Officer Wilkinson - Vic Regalado

Defendant(s)

Sheriff A.S.A. Parker
and Does 1-100 et al.

Current Location (including Address) of Confinement:

8607 SE Flowermead RD,
Lawton, OK. 73501

Prisoner Number:

DOC #825912
David Limosa #9908850

CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983

A. Parties

1) Jonathan Claudio is a citizen of Oklahoma who presently resides at
 (Plaintiff) (State)

31919 S. 4320 Road, Big Cabin, OK. 74332
 (Mailing address or place of confinement)

2) Defendant Michael Snyder is a citizen of Tulsa, OK.
 (Name of first defendant) (City, State)

and is employed as Police Officer for Tulsa Police Dept.
 (Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☒ Yes ☐ No

If your answer is yes, briefly explain: He was on patrol as a Tulsa Police officer.

3) Defendant Destiny Wilkinson is a citizen of Tulsa, OK.
 (Name of second defendant) (City, State)

and is employed as Sheriff's Deputy for Tulsa County
 (Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☒ Yes ☐ No

If your answer is yes, briefly explain: She was a correctional officer

at David L. Moss

[You may attach one additional page (8 1/2" x 11") to furnish the above information for additional defendants.]

B. Jurisdiction

1) Jurisdiction is asserted pursuant to: (Check one)

☒ 42 U.S.C. §1983 (applies to state prisoners)

☐ *Bivens v Six Unknown Named Agents of Fed. Bureau of Narcotics*
403 U.S. 388 (1971) and 28 U.S.C. §1331 (applies to fed. prisoners)

2) Jurisdiction also is invoked pursuant to 28 U.S.C. §1343(a)(3). (If you wish to assert jurisdiction under different or additional statutes, you may list them below.)

C. Nature of Case

1) Briefly state the background of your case. Officer Snyder deprived me of liberty and property without compensation. Officer Wilkinson used excessive force on me leaving me hospitalized.

D. Cause of Action

1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: [If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.]

- a) (1) Count I: Officer Snyder told thieves to steal my truck, placed the keys in the seat after unlocking the doors and put my wallet, keys and watch in the bed of the truck.
- (2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)
- Dash cam and body cams at the scene of the arrest on 11-27-18 that Snyder acted outside his duty and under color of law to deprive me of my liberties in a gross way.
- b) (1) Count II: Officer Wilkinson tasered me multiple times while handcuffed behind my back, not resisting or attempting to flee, leaving me hospitalized with extensive damages.

- (2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

Tail house videos and witnesses will show that on 11-27-2018 Wilkinson used excessive force and cruel and unusual punishment.

- c) (1) Count III: ~~Officer~~ The Tulsa Police Dept. and Tulsa County Sheriff's dept. conspired to violate and interfere with my civil rights.

- (2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

On 11-27-18 the TPD and Tulsa Sheriff's dept. jointly violated my civil rights which resulted in actual injury, physically, mentally, and in my civil and criminal proceedings.

E. Request for Relief

- 1) I believe that I am entitled to the following relief: Monetary Relief of \$10,000,000.00 (10 million Dollars) NO injunctive relief is requested.

Original Signature of Attorney (if any)

Original Signature of Plaintiff

Attorney's full address and telephone number

CLAIM # 1

Officer Michael Snyder defamed my character in a public setting while I was in the company of my employee Bryce Jensen on 11-27-18. He had the full attention of the citizens in the neighborhood of 6500 South Newport Avenue in Tulsa Oklahoma. He told them all that I was a "Gangbanger" and that I was going to prison for life. He took the keys to my Ford F-150 pick up truck out of my jacket pocket, threw them in the seat and yelled out to the citizens, "whoever wants to steal this truck can do so cause I was going to prison for life." Then took me to jail. He was contacted by my mother Traci Carey about why I was arrested and where my truck was. Mr. Snyder lied to her and gave her the address of 4500 S. Newport. My truck was stolen, the steering column stripped, as well as the stereo system. Traci located the truck weeks later at an impound yard and towed it home. The engine won't turn over anymore. Also... my wallet, cell phone and watch were stolen between arrest and booking. All of this is on video with the Tulsa Police Department. Due to the condition I was in when arrested and booked, I am not fully informed as to the full scope of violations I accrued on 11-27-18. I believe I will be able to show the following constitutional rights were violated: 1st and 5th Amendment of Due process and just compensation, 14th Amendment of deprivation

CLAIM #1 continued

of life, liberty and property, 4th Amendment
of unreasonable searches and seizure.

I'll need to review the evidence when it's
revealed in order ~~to~~ to show all the cause of this
action, As well as getting subpoenas for all the witnesses
involved.

On 11-27-2018, while being booked into the Tulsa County Jail (David L. Moss) a scuffle happened between myself and a jailer named Destiny Wilkinson. I put a plastic bag in my mouth when the handcuffs were removed. I pushed my way past Ms. Wilkinson. She deployed her taser, then I stopped and ~~was~~ allowed the handcuffs to be linked and secured behind my back and stopped resisting arrest and attempting to elude her. The taser was then deployed a second time. This time both prongs hit me and I gasped for air and clinched my teeth. This caused the baggy to get lodged in my throat, blocking my air way. I stood there, cuffed behind my back, choking to death, as Ms. Wilkinson held down the trigger on her taser. Her colleagues later described it as what they call "Riding the lightning." After what seemed like an eternity of pain, An Officer Filhiol yelled, "That's enough." He had me uncuffed, as I was still unable to breathe, and administered the hymic maneuver. The baggy shot from my mouth and my legs gave way as I fell over limp. I was taken to OSU Medical Center and then to Hillcrest Medical Center South where I was admitted. It took months before my mental facilities started to clear up. By this time, the judicial system had already processed me into a prison cell where I am currently and aggressively ~~habitating~~ habitating. There is video footage and medical records to confirm my claims.

Civil Liberties Violated

All of my Constitutional liberties have been violated due to these claims. I have been denied the ability to gather the appropriate documents to further my claims. Due to the time bar I must submit this ~~suit~~ without having the evidence to prove the violations I've endured. As a pro-se litigant I am requesting the protection of Hall v. Bellmon, 935 F.2d 1106 (Ca 10 OK 1991) "This rule means that if the Court can reasonably read the pleading to state a valid claim on which the petitioner could prevail, it should do so despite the petitioner's failure to cite proper authority, his poor syntax and sentence construction, or unfamiliarity with pleading requirements."

I also assert and preserve my right as a pro-se litigant to file an amended petition after I am able to obtain evidence of and supporting claims in my petition. I am not waiving any other claims or defenses.

Petitioner in this cause of action requests the protection of Hall v. Bellmon, 935 F.2d 1106 (Ca 10 OK 1991) "This rule means that if the Court can reasonably read the pleading to state a valid claim on which the petitioner could prevail, it should do so despite the petitioner's failure to cite proper authority, his poor syntax and sentence construction, or unfamiliarity with pleading requirements."